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CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 490

Introduced by Assembly Member Steinberg

**(Coauthors: Assembly Members Calderon, Cohn, Diaz, Frommer,
Jackson, Koretz, Laird, Lieber, Maldonado, Maze, Mullin,
Negrete McLeod, and Vargas)**

**(Coauthors: Senators Alpert, Bowen, Kuehl, Perata, Romero, Scott,
Soto, and Vasconcellos)**

February 14, 2003

An act to amend Sections 48645.5, 48850, ~~48852~~, 48859, 49061, 49069.5, 49076, and 56055 of, and to add Sections 48853 and 48853.5 to, the Education Code, and to amend Sections 361, 366.27, 726, 727.2, 4570, ~~and 16000~~ 16000, and 16501.1 of the Welfare and Institutions Code, relating to minors.

LEGISLATIVE COUNSEL'S DIGEST

AB 490, as amended, Steinberg. Education: foster children.

(1) Existing law requires a school district to accept for credit any coursework satisfactorily completed by a ~~student~~ *pupil* while in juvenile court school or in any county or state-operated institution.

This bill would instead require a school district and county office of education to accept for credit full or partial coursework satisfactorily

completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency, *thus imposing a state-mandated local program*.

(2) Existing law requires every county office of education to make available to agencies that place children in licensed children's institutions information on educational options for children residing in licensed children's institutions within its jurisdiction. Existing law requires every agency that places a child in a licensed children's institution to notify the local educational agency at the time a pupil is placed and requires a local educational agency to invite at least one noneducational agency representative that has placement responsibility for a pupil residing in a licensed children's institution to collaborate with the local educational agency in the monitoring of a placement in a nonpublic, nonsectarian school or agency.

This bill would declare the Legislature's intent to ensure that pupils in foster care and those who are homeless, as defined by specified federal law, have a meaningful opportunity to meet the academic achievement standards to which all pupils are held, are placed in the least restrictive educational programs, and have access to the academic resources, services, and extracurricular and enrichment activities as all other pupils.

The

This bill would require pupils placed in licensed children's institutions or foster family homes to attend programs operated by the local educational agency, except as provided, *thus imposing a state-mandated local program*. The bill would require the parent, guardian, or person holding the right to make educational decisions for the pupil to first consider placement of the pupil in the regular public school before any decision to place the pupil in a juvenile court school and would authorize disputes on the educational decisions or placement of the pupil to be brought to the juvenile court for resolution.

The

~~*This* bill would require each of the 10 school districts with the greatest number of pupil enrollment in the state and each county office of education~~ *local educational agency* to designate a staff person as the educational liaison for foster children who are ~~enrolled in school districts and in county office of education programs within the county and who are~~ a ward or dependent child of the court, to ensure and facilitate the proper educational placement, enrollment in school, and transfer between schools of foster children and to assist foster children



when transferring schools or school districts, and would impose various related responsibilities on the liaisons. The bill would require the local educational agency serving a foster child, at the initial detention or placement, or any subsequent change in placement of the foster child, to allow the foster child to continue his or her education in the school the foster child is currently attending for the duration of the school year, except as provided. By imposing these additional duties involving foster children upon local educational agencies, this bill would impose a state-mandated local program.

(3) Existing law requires a local educational agency with which a pupil in foster care has been most recently enrolled that has been informed of the next educational placement of the pupil to cooperate with the county social service or probation department to, upon request, ensure that the educational and other background record of the pupil, is transferred to the receiving local educational agency and the foster children services program in a timely manner.

This bill would delete those provisions and, instead, would provide that the timely transfer between schools of pupils in foster care is the responsibility of both the local educational agency and the county placing agency, as defined. The bill would require the county placing agency, as soon as it becomes aware of the need to transfer the pupil between schools, to contact the appropriate person at the pupil's local educational agency regarding the transfer. The bill would require the local educational agency, upon receiving the transfer request, to, within 2 business days, transfer the pupil and deliver the pupil's educational information and records to the next educational placement. By imposing a higher level of service on these local agencies, the bill would impose a state-mandated local program.

(4) Existing law prohibits a school district from permitting access to pupil records to any person without parental consent or without a judicial order, except under certain circumstances, including, among others, access by a probation officer or district attorney for the purposes of conducting a criminal investigation, or an investigation regarding the declaration of a person to be a ward of the court, or involving a violation of a condition of probation.

This bill would also authorize a school district to permit access to any county placing agency for the purpose of fulfilling the requirements of a certain health and education summary or fulfilling educational case management responsibilities required by the juvenile court or by law and to assist with the school transfer or placement of a pupil.



(5) Existing law permits a foster parent to represent the foster child for the duration of the foster parent-foster child relationship in matters relating to public education of the foster child.

This bill would limit the representation to situations in which the foster child is placed in a planned permanent living arrangement and in which the juvenile court has limited the right of the parent or guardian to make educational decisions.

(6) Existing law authorizes a court to limit the control exercised over a minor by a parent or guardian in all cases where the minor is adjudged a ward or dependent child of the court and requires a court, if it does limit this control, to appoint a person to make educational decisions for the child.

This bill would authorize a court to resolve any dispute between the person appointed to make educational decisions for the child and the child's dependency or delinquency attorney, court-appointed special advocate, care provider, or placing agency regarding the child's educational and school placement decisions. The bill would authorize the court to make the educational and school placement decisions for the child under certain circumstances.

(7) Existing law requires area boards on developmental disabilities to, with the consent of the consumer and, when appropriate, a family member, conduct life quality assessments, as provided, with consumers living in out-of-home placements, supported living arrangements, or independent living arrangements. Existing law requires the area board to develop a report of its findings following each life quality assessment and to provide a copy of the report to the consumer, when appropriate, family members, and the regional center providing case management services to the consumer.

This bill would authorize a life quality assessment to be conducted with the consent of the juvenile court or social services agency if the consumer is a dependent of the juvenile court and would require the area board to provide a copy of the life quality assessment of that consumer, upon request, to the court or social services agency, *thus imposing a state-mandated local program*.

(8) This bill would further declare the intent of the Legislature to ensure that a pupil in foster care or who is homeless, as defined by specified federal law, has the opportunity to meet the academic achievement standards to which all pupils are held, is placed in the least restrictive educational programs, and has access to the academic



resources, services, and extracurricular and enrichment activities as all other pupils.

(9) The bill would also update cross-references and make conforming and other technical changes.

~~(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48645.5 of the Education Code is
2 amended to read:
3 48645.5. Each public school district and county office of
4 education shall accept for credit full or partial coursework
5 satisfactorily completed by a pupil while attending a public school,
6 juvenile court school, or nonpublic, nonsectarian school or
7 agency. The coursework shall be transferred by means of the
8 standard state transcript. If a pupil completes the graduation
9 requirements of his or her school district of residence while being
10 detained, the school district of residence shall issue to the pupil a
11 diploma from the school the pupil last attended before detention
12 or in the alternative, the county superintendent of schools may
13 issue the diploma.

1 SEC. 2. Section 48850 of the Education Code is amended to
2 read:

3 48850. (a) It is the intent of the Legislature to ensure that all
4 pupils in foster care and those who are homeless as defined by the
5 federal McKinney-Vento Homeless Assistance Act (42 U.S.C.
6 Sec. 11301 et seq.) have a meaningful opportunity to meet the
7 challenging state pupil academic achievement standards to which
8 all pupils are held. In fulfilling their responsibilities to these
9 pupils, educators, county placing agencies, care providers,
10 advocates, and the juvenile courts shall work together to maintain
11 stable school placements and to ensure that each pupil is placed in
12 the least restrictive educational programs, and has access to the
13 academic resources, services, and extracurricular and enrichment
14 activities that are available to all pupils. In all instances,
15 educational and school placement decisions must be based on the
16 best interests of the child.

17 (b) Every county office of education shall make available to
18 agencies that place children in licensed children's institutions
19 information on educational options for children residing in
20 licensed children's institutions within the jurisdiction of the
21 county office of education for use by the placing agencies in
22 assisting parents and foster children to choose educational
23 placements.

24 (c) For purposes of individuals with exceptional needs residing
25 in licensed children's institutions, making a copy of the annual
26 service plan, prepared pursuant to subdivision (b) of Section
27 56205, available to those special education local plan areas that
28 have revised their local plans pursuant to Section 56836.03 shall
29 meet the requirements of subdivision (b).

30 ~~SEC. 3. Section 48852 of the Education Code is amended to~~
31 ~~read:~~

32 ~~48852. Every agency that places a child in a licensed~~
33 ~~children's institution shall notify the local educational agency at~~
34 ~~the time a pupil is placed in a licensed children's institution. As~~
35 ~~part of that notification, the county placing agency shall provide~~
36 ~~any available information on immediate past educational~~
37 ~~placements to facilitate prompt transfer of records and appropriate~~
38 ~~educational placement. This section does not prohibit prompt~~
39 ~~educational placement prior to notification.~~

40 ~~SEC. 4.~~

SEC. 3. Section 48853 is added to the Education Code, to read:

48853. (a) A pupil placed in a licensed children's institution or foster family home shall attend programs operated by the local educational agency, unless the pupil has an individualized education program requiring placement in a nonpublic, nonsectarian school or agency, or in another local educational agency.

(b) Before any decision is made to place a pupil in a juvenile court school as defined by Section 48645.1, the parent or guardian, or the person holding the right to make educational decisions for the pupil pursuant to Section 361 or 726 of the Welfare and Institutions Code or Section 56055, shall first consider placement in the regular public school. Any dispute between the person holding the right to make educational decisions for the pupil and the dependency or delinquency attorney of the pupil, court-appointed special advocate, care provider, or placing agency regarding the educational decisions or placement of the pupil in a juvenile court school may be brought to the juvenile court for resolution. In all instances, educational and school placement decisions shall be based on the best interests of the child.

(c) If any dispute arises as to the school placement of a pupil subject to this section, the pupil has the right to remain in his or her school of origin, as defined in subdivision ~~(d)~~ (e) of Section 48853.5, pending resolution of the dispute.

(d) This section does not supersede other laws that govern pupil expulsion.

(e) Foster children living in ~~short-term~~ emergency shelters, as referenced in ~~Part B of Subchapter VI of the McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11431 et seq.)~~, may receive educational services at the emergency shelter as necessary for short periods of time for either of the following reasons:

(1) For health and safety emergencies.

(2) To provide temporary, special, and supplementary services to meet the child's unique needs if a decision regarding whether it is in the child's best interest to attend the school of origin cannot be made promptly, it is not practical to transport the child to the school of origin, and the child would otherwise not receive educational services.

1 The educational services may be provided at the shelter pending
2 a determination by the educational liaison or the juvenile court
3 regarding the educational placement of the child.

4 ~~SEC. 5.~~

5 *SEC. 4.* Section 48853.5 is added to the Education Code, to
6 read:

7 48853.5. (a) This section applies to any foster child who has
8 been removed from his or her home pursuant to Section 309 of the
9 Welfare and Institutions Code, is the subject of a petition filed
10 under Section 300 or 602 of the Welfare and Institutions Code, or
11 has been removed from his or her home and is the subject of a
12 petition filed under Section 300 or 602 of the Welfare and
13 Institutions Code.

14 ~~(b) Each of the 10 school districts with the greatest number of~~
15 ~~pupil enrollment in the state and each county office of education~~
16 ~~shall designate a staff person as the educational liaison for foster~~
17 ~~children who are enrolled as pupils in school districts and in county~~
18 ~~office of education programs within the county. In a school district~~
19 ~~or county office of education that operates a foster children~~

20 *(b) Each local educational agency shall designate a staff*
21 *person as the educational liaison for foster children. In a school*
22 *district that operates a foster children services program pursuant*
23 *to Chapter 11.3 (commencing with Section 42920) of Part 24, the*
24 *educational liaison shall be affiliated with the local foster children*
25 *services program. The liaison shall do all of the following:*

26 (1) Ensure and facilitate the proper educational placement,
27 enrollment in school, and checkout from school of foster children.

28 (2) Assist foster children when transferring from one school to
29 another or from one school district to another in ensuring proper
30 transfer of credits, records, and grades.

31 ~~(c) Subdivision (b) does not prohibit any other school district~~
32 ~~from designating a staff person as the educational liaison for foster~~
33 ~~children.~~

34 ~~(d)~~

35 *(c) This section does not grant authority to the educational*
36 *liaison that supersedes the authority granted under state and*
37 *federal law to a parent or guardian retaining educational rights, a*
38 *responsible adult appointed by the court to represent the child*
39 *pursuant to Section 361 or 726 of the Welfare and Institutions*
40 *Code, a surrogate parent, or a foster parent exercising the authority*

1 granted under Section 56055. The role of the educational liaison
2 is advisory with respect to placement decisions and determination
3 of school of origin.

4 ~~(e)~~

5 (d) (1) At the initial detention or placement, or any subsequent
6 change in placement of a foster child, the local educational agency
7 serving the foster child shall allow the foster child to continue his
8 or her education in the school of origin for the duration of the
9 academic school year.

10 (2) The liaison, in consultation with and the agreement of the
11 foster child and the person holding the right to make educational
12 decisions for the foster child may, in accordance with the foster
13 child's best interest, recommend that the foster child's right to
14 attend the school of origin be waived and the foster child be
15 enrolled in any public school that pupils living in the attendance
16 area in which the foster child resides are eligible to attend.

17 (3) Prior to making any recommendation to move a foster child
18 from his or her school of origin, the liaison shall provide the foster
19 child and the person holding the right to make educational
20 decisions for the foster child with a written explanation stating the
21 basis for the recommendation and how this recommendation
22 serves the foster child's best interest.

23 (4) (A) If the liaison in consultation with the foster child and
24 the person holding the right to make educational decisions for the
25 foster child agree that the best interests of the foster child would
26 be served by his or her transfer to a school other than the school
27 of origin, the foster child shall immediately be enrolled in the new
28 school.

29 (B) The new school shall immediately enroll the foster child
30 even if the foster child is unable to produce records or clothing
31 normally required for enrollment, such as previous academic
32 records, medical records, proof of residency, other documentation,
33 or school uniforms.

34 (C) The liaison for the new school shall, within two business
35 days of the foster child's request for enrollment, contact the school
36 last attended by the foster child to obtain all academic and other
37 records. The school liaison for the school last attended shall
38 provide all records to the new school within two business days of
39 receiving the request.

(5) If any dispute arises regarding the request of a foster child to remain in the school of origin, the foster child has the right to remain in the school of origin pending resolution of the dispute.

(6) The local educational agency and the county placing agency are encouraged to collaborate to ensure maximum utilization of available federal moneys, explore public-private partnerships, and access any other funding sources to promote the well-being of foster children through educational stability.

~~(f)~~

(e) For purposes of this section, “school of origin” means the school that the foster child attended when permanently housed or the school in which the foster child was last enrolled. If the school the foster child attended when permanently housed is different from the school in which the foster child was last enrolled, or if there is some other school that the foster child attended with which the foster child is ~~affiliated~~ *connected*, the liaison, in consultation with and the agreement of the foster child and the person holding the right to make educational decisions for the foster child, shall determine in the best interest of the foster child, the school that shall be deemed the school of origin.

~~(g)~~

(f) This section does not supersede other law governing the educational placements in juvenile court schools, as defined by Section 48645.1, by the juvenile court under Section 602 of the Welfare and Institutions Code.

~~SEC. 6.~~

SEC. 5. Section 48859 of the Education Code is amended to read:

48859. For purposes of this chapter, the following terms have the following meanings:

(a) “County placing agency” means the county social service department or county probation department.

(b) “Educational authority” means an entity designated to represent the interests of a child for educational and related services.

~~SEC. 7.~~

SEC. 6. Section 49061 of the Education Code is amended to read:

49061. As used in this chapter:

(a) “Parent” means a natural parent, an adopted parent, or legal guardian. If the parents are divorced or legally separated, only a parent having legal custody of the pupil may challenge the content of a record pursuant to Section 49070, offer a written response to a record pursuant to Section 49072, or consent to release records to others pursuant to Section 49075. Either parent may grant consent if both parents have notified, in writing, the school or school district that ~~such~~ an agreement has been made. If a pupil has attained the age of 18 years or is attending an institution of postsecondary education, the permission or consent required of, and the rights accorded to, the parents or guardian of the pupil shall thereafter only be required of, and accorded to, the pupil.

(b) “Pupil record” means any item of information directly related to an identifiable pupil, other than directory information, which is maintained by a school district or required to be maintained by an employee in the performance of his or her duties whether recorded by handwriting, print, tapes, film, microfilm or other means.

“Pupil record” does not include informal notes related to a pupil compiled by a school officer or employee which remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute. For purposes of this subdivision, “substitute” means a person who performs the duties of the individual who made the notes on a temporary basis, and does not refer to a person who permanently succeeds the maker of the notes in his or her position.

(c) “Directory information” means one or more of the following items: pupil’s name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the pupil.

(d) “School district” means any school district maintaining any of grades kindergarten through 12, any public school providing instruction in any of grades kindergarten through 12, the office of the county superintendent of schools, or any special school operated by the department.

(e) “Access” means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate

1 copy of a record, an oral description or communication of a record
2 or an accurate copy of a record, and a request to release a copy of
3 any record.

4 (f) “County placing agency” means the county social service
5 department or county probation department.

6 ~~SEC. 8.~~

7 *SEC. 7.* Section 49069.5 of the Education Code is amended to
8 read:

9 49069.5. (a) The Legislature finds and declares that the
10 mobility of pupils in foster care often disrupts their educational
11 experience. The Legislature also finds that efficient transfer
12 procedures and transfer of pupil records is a critical factor in the
13 swift placement of foster children in educational settings.

14 (b) The proper and timely transfer between schools of pupils in
15 foster care is the responsibility of both the local educational
16 agency and the county placing agency.

17 (c) As soon as the county placing agency becomes aware of the
18 need to transfer a pupil in foster care out of his or her current
19 school, the county placing agency shall contact the appropriate
20 person at the local educational agency of the pupil. The county
21 placing agency shall notify the local educational agency of the date
22 that the pupil will be leaving the school and request that the pupil
23 be transferred out.

24 (d) Upon receiving a transfer request from a county placing
25 agency, the local educational agency shall, within two business
26 days, transfer the pupil out of school and deliver the educational
27 information and records of the pupil to the next educational
28 placement.

29 (e) As part of the transfer process described under subdivisions
30 (c) and (d), the local educational agency shall compile the
31 complete educational record of the pupil including a determination
32 of seat time, full or partial credits earned, current classes and
33 grades, immunization and other records, and, if applicable, a copy
34 of the pupil’s plan adopted pursuant to Section 504 of the federal
35 Rehabilitation Act of 1973 (29 U.S.C. Sec. 794 et seq.) or
36 individualized education program adopted pursuant to the federal
37 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400
38 et seq.).

39 (f) The local educational agency shall assign the duties listed in
40 this section to a person competent to handle the transfer procedure

1 and aware of the specific educational record keeping needs of
2 homeless, foster, and other transient children who transfer
3 between schools.

4 (g) The local educational agency shall ensure that if the pupil
5 in foster care is absent from school due to a decision to change the
6 placement of a pupil made by a court or ~~county~~ placing agency, the
7 grades and credits of the pupil will be calculated as of the date the
8 pupil left school, and no lowering of grades will occur as a result
9 of the absence of the pupil under these circumstances.

10 (h) The local educational agency shall ensure that if the pupil
11 in foster care is absent from school due to a verified court
12 appearance or related court ordered activity, no lowering of his or
13 her grades will occur as a result of the absence of the pupil under
14 these circumstances.

15 ~~SEC. 9.~~

16 *SEC. 8.* Section 49076 of the Education Code is amended to
17 read:

18 49076. A school district is not authorized to permit access to
19 pupil records to any person without written parental consent or
20 under judicial order except that:

21 (a) Access to those particular records relevant to the legitimate
22 educational interests of the requester shall be permitted to the
23 following:

24 (1) School officials and employees of the district, members of
25 a school attendance review board appointed pursuant to Section
26 48321, and any volunteer aide, 18 years of age or older, who has
27 been investigated, selected, and trained by a school attendance
28 review board for the purpose of providing followup services to
29 pupils referred to the school attendance review board, provided
30 that the person has a legitimate educational interest to inspect a
31 record.

32 (2) Officials and employees of other public schools or school
33 systems, including local, county, or state correctional facilities
34 where educational programs leading to high school graduation are
35 provided or where the pupil intends to or is directed to enroll,
36 subject to the rights of parents as provided in Section 49068.

37 (3) Authorized representatives of the Comptroller General of
38 the United States, the Secretary of Education, and administrative
39 head of an education agency, state education officials, or their
40 respective designees, or the United States Office of Civil Rights,

1 where the information is necessary to audit or evaluate a state or
2 federally supported education program or pursuant to a federal or
3 state law, provided that except when collection of personally
4 identifiable information is specifically authorized by federal law,
5 any data collected by those officials shall be protected in a manner
6 which will not permit the personal identification of pupils or their
7 parents by other than those officials, and any personally
8 identifiable data shall be destroyed when no longer needed for the
9 audit, evaluation, and enforcement of federal legal requirements.

10 (4) Other state and local officials to the extent that information
11 is specifically required to be reported pursuant to state law adopted
12 prior to November 19, 1974.

13 (5) Parents of a pupil 18 years of age or older who is a
14 dependent as defined in Section 152 of the Internal Revenue Code
15 of 1954.

16 (6) A pupil 16 years of age or older or having completed the
17 10th grade who requests access.

18 (7) Any district attorney who is participating in or conducting
19 a truancy mediation program pursuant to Section 48263.5, or
20 Section 601.3 of the Welfare and Institutions Code, or
21 participating in the presentation of evidence in a truancy petition
22 pursuant to Section 681 of the Welfare and Institutions Code.

23 (8) A prosecuting agency for consideration against a parent or
24 guardian for failure to comply with the Compulsory Education
25 Law (Chapter 2 (commencing with Section 48200) of Part 27) or
26 with Compulsory Continuation Education (Chapter 3
27 (commencing with Section 48400) of Part 27).

28 (9) Any probation officer or district attorney for the purposes
29 of conducting a criminal investigation or an investigation in
30 regards to declaring a person a ward of the court or involving a
31 violation of a condition of probation.

32 (10) Any judge or probation officer for the purpose of
33 conducting a truancy mediation program for a pupil, or for
34 purposes of presenting evidence in a truancy petition pursuant to
35 Section 681 of the Welfare and Institutions Code. The judge or
36 probation officer shall certify in writing to the school district that
37 the information will be used only for truancy purposes. A school
38 district releasing pupil information to a judge or probation officer
39 pursuant to this paragraph shall inform, or provide written



1 notification to, the parent or guardian of the pupil within 24 hours
2 of the release of the information.

3 (11) Any county placing agency for the purpose of fulfilling the
4 requirements of the health and education summary required
5 pursuant to Section 16010 of the Welfare and Institutions Code or
6 for the purpose of fulfilling educational case management
7 responsibilities required by the juvenile court or by law and to
8 assist with the school transfer or enrollment of a pupil. School
9 districts, county offices of education, and county child protection
10 agencies may develop cooperative agreements to facilitate
11 confidential access to and exchange of the pupil information by
12 electronic mail, facsimile, electronic format, or other secure
13 means.

14 (b) School districts may release information from pupil records
15 to the following:

16 (1) Appropriate persons in connection with an emergency if the
17 knowledge of the information is necessary to protect the health or
18 safety of a pupil or other persons.

19 (2) Agencies or organizations in connection with the
20 application of a pupil for, or receipt of, financial aid. However,
21 information permitting the personal identification of a pupil or his
22 or her parents may be disclosed only as may be necessary for
23 purposes as to determine the eligibility of the pupil for financial
24 aid, to determine the amount of the financial aid, to determine the
25 conditions which will be imposed regarding the financial aid, or
26 to enforce the terms or conditions of the financial aid.

27 (3) The county elections official, for the purpose of identifying
28 pupils eligible to register to vote, and for conducting programs to
29 offer pupils an opportunity to register to vote. The information,
30 however, shall not be used for any other purpose or given or
31 transferred to any other person or agency.

32 (4) Accrediting associations in order to carry out their
33 accrediting functions.

34 (5) Organizations conducting studies for, or on behalf of,
35 educational agencies or institutions for the purpose of developing,
36 validating, or administering predictive tests, administering student
37 aid programs, and improving instruction, if the studies are
38 conducted in a manner that will not permit the personal
39 identification of pupils or their parents by persons other than
40 representatives of the organizations and the information will be

1 destroyed when no longer needed for the purpose for which it is
2 obtained.

3 (6) Officials and employees of private schools or school
4 systems where the pupil is enrolled or intends to enroll, subject to
5 the rights of parents as provided in Section 49068. This
6 information shall be in addition to the pupil's permanent record
7 transferred pursuant to Section 49068.

8 A person, persons, agency, or organization permitted access to
9 pupil records pursuant to this section may not permit access to any
10 information obtained from those records by any other person,
11 persons, agency, or organization without the written consent of the
12 pupil's parent. However, this paragraph does not require prior
13 parental consent when information obtained pursuant to this
14 section is shared with other persons within the educational
15 institution, agency, or organization obtaining access, so long as
16 those persons have a legitimate interest in the information.

17 (c) Notwithstanding any other provision of law, any school
18 district, including any county office of education or
19 superintendent of schools, may participate in an interagency data
20 information system that permits access to a computerized database
21 system within and between governmental agencies or districts as
22 to information or records which are nonprivileged, and where
23 release is authorized as to the requesting agency under state or
24 federal law or regulation, if each of the following requirements are
25 met:

26 (1) Each agency and school district shall develop security
27 procedures or devices by which unauthorized personnel cannot
28 access data contained in the system.

29 (2) Each agency and school district shall develop procedures or
30 devices to secure privileged or confidential data from
31 unauthorized disclosure.

32 (3) Each school district shall comply with the access log
33 requirements of Section 49064.

34 (4) The right of access granted shall not include the right to add,
35 delete, or alter data without the written permission of the agency
36 holding the data.

37 (5) An agency or school district may not make public or
38 otherwise release information on an individual contained in the
39 database where the information is protected from disclosure or



1 release as to the requesting agency by state or federal law or
2 regulation.

3 ~~SEC. 10.~~

4 *SEC. 9.* Section 56055 of the Education Code is amended to
5 read:

6 56055. (a) (1) Except as provided in subdivisions (b), (c),
7 and (d), a foster parent may exercise, to the extent permitted by
8 federal law, including, but not limited to, Section 300.20 of Title
9 34 of the Code of Federal Regulations, the rights related to his or
10 her foster child's education that a parent has under Title 20
11 (commencing with Section 1400) of the United States Code and
12 pursuant to Part 300 (commencing with Section 300.1) of Title 34
13 of the Code of Federal Regulations. The foster parent may
14 represent the foster child for the duration of the foster parent-foster
15 child relationship in matters relating to identification, assessment,
16 instructional planning and development, educational placement,
17 reviewing and revising an individualized education program, if
18 necessary, and in all other matters relating to the provision of a free
19 appropriate public education of the child. Notwithstanding any
20 other provision of law, this representation shall include the
21 provision of written consent to the individualized education
22 program, including nonemergency medical services, mental
23 health treatment services, and occupational or physical therapy
24 services pursuant to this chapter. The foster parent may sign any
25 consent relating to individualized education program purposes.

26 (2) A foster parent exercising rights relative to a foster child
27 under this section may consult with the parent or guardian of the
28 child to ensure continuity of health, mental health, or other
29 services.

30 (b) A foster parent who had been excluded by court order from
31 making educational decisions on behalf of a pupil does not have
32 the rights relative to the pupil set forth in subdivision (a).

33 (c) This section only applies if the juvenile court has limited the
34 right of the parent or guardian to make educational decisions on
35 behalf of the child, and the child has been placed in a planned
36 permanent living arrangement pursuant to paragraph (3) of
37 subdivision (g) of Section 366.21, Section 366.22, ~~or~~ Section
38 366.26, *or paragraph (5) or (6) of subdivision (b) of Section 727.3*
39 *of the Welfare and Institutions Code.*

(d) For purposes of this section, a foster parent shall include a person, relative caretaker, or nonrelative extended family member as defined in Section 362.7 of the Welfare and Institutions Code, who has been licensed or approved by the county welfare or probation department, or has been approved by the juvenile court.

~~SEC. 11.~~

SEC. 10. Section 361 of the Welfare and Institutions Code is amended to read:

361. (a) In all cases in which a minor is adjudged a dependent child of the court on the ground that the minor is a person described by Section 300, the court may limit the control to be exercised over the dependent child by any parent or guardian and shall by its order clearly and specifically set forth all those limitations. Any limitation on the right of the parent or guardian to make educational decisions for the child shall be specifically addressed in the court order. The limitations may not exceed those necessary to protect the child. If the court specifically limits the right of the parent or guardian to make educational decisions for the child, the court shall at the same time appoint a responsible adult to make educational decisions for the child until one of the following occurs:

(1) The minor reaches 18 years of age, unless the child chooses not to make educational decisions for himself or herself, or is deemed by the court to be incompetent.

(2) Another responsible adult is appointed to make educational decisions for the minor pursuant to this section.

(3) The right of the parent or guardian to make educational decisions for the minor is fully restored.

(4) A successor guardian or conservator is appointed.

(5) The child is placed into a planned permanent living arrangement pursuant to paragraph (3) of subdivision (g) of Section 366.21, Section 366.22, or Section 366.26, at which time the foster parent, relative caretaker, or nonrelative extended family member as defined in Section 362.7 has the right to represent the child in educational matters pursuant to Section 56055 of the Education Code.

An individual who would have a conflict of interest in representing the child may not be appointed to make educational decisions. For purposes of this section, “an individual who would have a conflict of interest,” means a person having any interests

that might restrict or bias his or her ability to make educational decisions, including, but not limited to, those conflicts of interest prohibited by Section 1126 of the Government Code, and the receipt of compensation or attorneys' fees for the provision of services pursuant to this section. A foster parent may not be deemed to have a conflict of interest solely because he or she receives compensation for the provision of services pursuant to this section.

Any dispute between the person appointed to make educational decisions for the child and the child's dependency or delinquency attorney, court-appointed special advocate, care provider, or placing agency regarding educational and school placement decisions concerning the child may be resolved by the juvenile court. ~~If reasonable efforts to locate a responsible adult or surrogate parent to make educational decisions for the child are unsuccessful, and if there is no foster parent to exercise the authority granted by Section 56055 of the Education Code~~ *court. If the court is unable to appoint a responsible adult to make educational decisions for the child and paragraphs (1) to (5), inclusive, do not apply, and the child has either been referred to the local educational agency for special education and related services, or has a valid individualized education program, the court shall refer the child to the local educational agency for appointment of a surrogate parent pursuant to Section 7579.5 of the Government Code. If the court is unable to appoint a surrogate parent, the court* may, with input from any interested persons, make educational and school placement decisions concerning the child. All educational and school placement decisions shall seek to ensure that the child is in the least restrictive educational programs and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils. In all instances, educational and school placement decisions shall be based on the best interests of the child.

(b) Subdivision (a) does not limit the ability of a parent to voluntarily relinquish his or her child to the State Department of Social Services or to a licensed county adoption agency at any time while the child is a dependent child of the juvenile court, if the department or agency is willing to accept the relinquishment.

(c) A dependent child may not be taken from the physical custody of his or her parents or guardian or guardians with whom

1 the child resides at the time the petition was initiated, unless the
2 juvenile court finds clear and convincing evidence of any of the
3 following:

4 (1) There is a substantial danger to the physical health, safety,
5 protection, or physical or emotional well-being of the minor or
6 would be if the minor were returned home, and there are no
7 reasonable means by which the minor's physical health can be
8 protected without removing the minor from the minor's parents'
9 or guardians' physical custody. The fact that a minor has been
10 adjudicated a dependent child of the court pursuant to subdivision
11 (e) of Section 300 shall constitute prima facie evidence that the
12 minor cannot be safely left in the custody of the parent or guardian
13 with whom the minor resided at the time of injury. The court shall
14 consider, as a reasonable means to protect the minor, the option of
15 removing an offending parent or guardian from the home. The
16 court shall also consider, as a reasonable means to protect the
17 minor, allowing a nonoffending parent or guardian to retain
18 custody as long as that parent or guardian presents a plan
19 acceptable to the court demonstrating that he or she will be able to
20 protect the child from future harm.

21 (2) The parent or guardian of the minor is unwilling to have
22 physical custody of the minor, and the parent or guardian has been
23 notified that if the minor remains out of their physical custody for
24 the period specified in Section ~~366.25~~ or 366.26, the minor may
25 be declared permanently free from their custody and control.

26 (3) The minor is suffering severe emotional damage, as
27 indicated by extreme anxiety, depression, withdrawal, or
28 untoward aggressive behavior toward himself or herself or others,
29 and there are no reasonable means by which the minor's emotional
30 health may be protected without removing the minor from the
31 physical custody of his or her parent or guardian.

32 (4) The minor or a sibling of the minor has been sexually
33 abused, or is deemed to be at substantial risk of being sexually
34 abused, by a parent, guardian, or member of his or her household,
35 or other person known to his or her parent, and there are no
36 reasonable means by which the minor can be protected from
37 further sexual abuse or a substantial risk of sexual abuse without
38 removing the minor from his or her parent or guardian, or the
39 minor does not wish to return to his or her parent or guardian.



1 (5) The minor has been left without any provision for his or her
2 support, or a parent who has been incarcerated or institutionalized
3 cannot arrange for the care of the minor, or a relative or other adult
4 custodian with whom the child has been left by the parent is
5 unwilling or unable to provide care or support for the child and the
6 whereabouts of the parent is unknown and reasonable efforts to
7 locate him or her have been unsuccessful.

8 (d) The court shall make a determination as to whether
9 reasonable efforts were made to prevent or to eliminate the need
10 for removal of the minor from his or her home or, if the minor is
11 removed for one of the reasons stated in paragraph (5) of
12 subdivision (c), whether it was reasonable under the circumstances
13 not to make any of those efforts. The court shall state the facts on
14 which the decision to remove the minor is based.

15 (e) The court shall make all of the findings required by
16 subdivision (a) of Section 366 in either of the following
17 circumstances:

18 (1) The minor has been taken from the custody of his or her
19 parent or guardian and has been living in an out-of-home
20 placement pursuant to Section 319.

21 (2) The minor has been living in a voluntary out-of-home
22 placement pursuant to Section 16507.4.

23 ~~SEC. 12.~~

24 *SEC. 11.* Section 366.27 of the Welfare and Institutions Code
25 is amended to read:

26 366.27. (a) If a court, pursuant to paragraph (3) of
27 subdivision (g) of Section 366.21, Section 366.22, or Section
28 366.26, orders the placement of a minor in a planned permanent
29 living arrangement with a relative, the court may authorize the
30 relative to provide the same legal consent for the minor's medical,
31 surgical, and dental care as the custodial parent of the minor.

32 (b) If a court orders the placement of a minor in a planned
33 permanent living arrangement with a foster parent, relative
34 caretaker, or nonrelative extended family member as defined in
35 Section 362.7, the court may limit the right of the minor's parent
36 or guardian to make educational decisions on the minor's behalf,
37 so that the foster parent, relative caretaker, or nonrelative extended
38 family member may exercise the educational consent duties
39 pursuant to Section 56055 of the Education Code.

(c) If a court orders the placement of a minor in a planned permanent living arrangement, for purposes of this section, a foster parent shall include a person, relative caretaker, or a nonrelative extended family member as defined in Section 362.7, who has been licensed or approved by the county welfare ~~or~~ *department, county* probation department, or the State Department of Social Services, *or has been approved by the court.*

~~SEC. 13.~~

SEC. 12. Section 726 of the Welfare and Institutions Code is amended to read:

726. (a) In all cases in which a minor is adjudged a ward or dependent child of the court, the court may limit the control to be exercised over the ward or dependent child by any parent or guardian and shall in its order, clearly and specifically set forth all those limitations, but no ward or dependent child shall be taken from the physical custody of a parent or guardian, unless upon the hearing the court finds one of the following facts:

(1) That the parent or guardian is incapable of providing or has failed or neglected to provide proper maintenance, training, and education for the minor.

(2) That the minor has been tried on probation while in custody and has failed to reform.

(3) That the welfare of the minor requires that custody be taken from the minor's parent or guardian.

(b) Whenever the court specifically limits the right of the parent or guardian to make educational decisions for the minor, the court shall at the same time appoint a responsible adult to make educational decisions for the child until one of the following occurs:

(1) The minor reaches 18 years of age, unless the child chooses not to make educational decisions for himself or herself, or is deemed by the court to be incompetent.

(2) Another responsible adult is appointed to make educational decisions for the minor pursuant to this section.

(3) The right of the parent or guardian to make educational decisions for the minor is fully restored.

(4) A successor guardian or conservator is appointed.

(5) The child is placed into a planned permanent living arrangement pursuant to paragraph (3) of subdivision (g) of Section 366.21, Section 366.22, Section 366.26, or paragraph (5)

1 *arrangement pursuant to paragraph (5) or (6) of subdivision (b)*
 2 *of Section 727.3, at which time the foster parent, relative caretaker,*
 3 *or nonrelative extended family member as defined in Section*
 4 *362.7 has the right to represent the child in educational matters*
 5 *pursuant to Section 56055 of the Education Code.*

6 An individual who would have a conflict of interest in
 7 representing the child, as specified under federal regulations, may
 8 not be appointed to make educational decisions. For purposes of
 9 this section, “an individual who would have a conflict of interest,”
 10 means a person having any interests that might restrict or bias his
 11 or her ability to make educational decisions, including, but not
 12 limited to, those conflicts of interest prohibited by Section 1126 of
 13 the Government Code, and the receipt of compensation or
 14 attorneys’ fees for the provision of services pursuant to this
 15 section. A foster parent may not be deemed to have a conflict of
 16 interest solely because he or she receives compensation for the
 17 provision of services pursuant to this section.

18 Any dispute between the person appointed to make educational
 19 decisions for the child and the child’s dependency or delinquency
 20 attorney, court-appointed special advocate, care provider, or
 21 placing agency regarding educational and school placement
 22 decisions concerning the child may be resolved by the juvenile
 23 court. ~~If reasonable efforts to locate a responsible adult or~~
 24 ~~surrogate parent to make educational decisions for the child are~~
 25 ~~unsuccessful, and if there is no foster parent to exercise the~~
 26 ~~authority granted by Section 56055 of the Education Code~~ *court.*
 27 *If the court is unable to appoint a responsible adult to make*
 28 *educational decisions for the child and paragraphs (1) to (5),*
 29 *inclusive, do not apply, and the child has either been referred to the*
 30 *local educational agency for special education and related*
 31 *services, or has a valid individualized education program, the*
 32 *court shall refer the child to the local educational agency for*
 33 *appointment of a surrogate parent pursuant to Section 7579.5 of*
 34 *the Government Code. If the court is unable to appoint a surrogate*
 35 *parent, the court may, with input from any interested persons,*
 36 *make educational and school placement decisions concerning the*
 37 *child. All educational and school placement decisions shall seek*
 38 *to ensure that the child is in the least restrictive educational*
 39 *programs and has access to the academic resources, services, and*
 40 *extracurricular and enrichment activities that are available to all*

1 pupils. In all instances, educational and school placement
2 decisions shall be based on the best interests of the child.

3 (c) If the minor is removed from the physical custody of his or
4 her parent or guardian as the result of an order of wardship made
5 pursuant to Section 602, the order shall specify that the minor may
6 not be held in physical confinement for a period in excess of the
7 maximum term of imprisonment which could be imposed upon an
8 adult convicted of the offense or offenses which brought or
9 continued the minor under the jurisdiction of the juvenile court.

10 As used in this section and in Section 731, “maximum term of
11 imprisonment” means the longest of the three time periods set
12 forth in paragraph (2) of subdivision (a) of Section 1170 of the
13 Penal Code, but without the need to follow the provisions of
14 subdivision (b) of Section 1170 of the Penal Code or to consider
15 time for good behavior or participation pursuant to Sections 2930,
16 2931, and 2932 of the Penal Code, plus enhancements which must
17 be proven if pled.

18 If the court elects to aggregate the period of physical
19 confinement on multiple counts or multiple petitions, including
20 previously sustained petitions adjudging the minor a ward within
21 Section 602, the “maximum term of imprisonment” shall be the
22 aggregate term of imprisonment specified in subdivision (a) of
23 Section 1170.1 of the Penal Code, which includes any additional
24 term imposed pursuant to Section 667, 667.5, 667.6, or 12022.1
25 of the Penal Code, and Section 11370.2 of the Health and Safety
26 Code.

27 If the charged offense is a misdemeanor or a felony not included
28 within the scope of Section 1170 of the Penal Code, the
29 “maximum term of imprisonment” is the longest term of
30 imprisonment prescribed by law.

31 “Physical confinement” means placement in a juvenile hall,
32 ranch, camp, forestry camp or secure juvenile home pursuant to
33 Section 730, or in any institution operated by the Youth Authority.

34 This section does not limit the power of the court to retain
35 jurisdiction over a minor and to make appropriate orders pursuant
36 to Section 727 for the period permitted by Section 607.

37 ~~SEC. 14.~~

38 *SEC. 13.* Section 727.2 of the Welfare and Institutions Code
39 is amended to read:

1 727.2. The purpose of this section is to provide a means to
2 monitor the safety and well-being of every minor in foster care
3 who has been declared a ward of the juvenile court pursuant to
4 Section 601 or 602 and to ensure that everything reasonably
5 possible is done to facilitate the safe and early return of the minor
6 to his or her home or to establish an alternative permanent plan for
7 the minor.

8 (a) If the court orders the care, custody, and control of the minor
9 to be under the supervision of the probation officer for placement
10 pursuant to subdivision (a) of Section 727, the juvenile court shall
11 order the probation department to ensure the provision of
12 reunification services to facilitate the safe return of the minor to
13 his or her home or the permanent placement of the minor, and to
14 address the needs of the minor while in foster care, except as
15 provided in subdivision (b).

16 (b) Reunification services need not be provided to a parent or
17 legal guardian if the court finds by clear and convincing evidence
18 that one or more of the following is true:

19 (1) Reunification services were previously terminated for that
20 parent or guardian, pursuant to Section 366.21 or 366.22, or not
21 offered, pursuant to subdivision (b) of Section 361.5, in reference
22 to the same minor.

23 (2) The parent has been convicted of any of the following:

24 (A) Murder of another child of the parent.

25 (B) Voluntary manslaughter of another child of the parent.

26 (C) Aiding or abetting, attempting, conspiring, or soliciting to
27 commit that murder or manslaughter described in subparagraph
28 (A) or (B).

29 (D) A felony assault that results in serious bodily injury to the
30 minor or another child of the parent.

31 (3) The parental rights of the parent with respect to a sibling
32 have been terminated involuntarily, and it is not in the best interest
33 of the minor to reunify with his or her parent or legal guardian.

34 If no reunification services are offered to the parent or guardian,
35 the permanency planning hearing, as described in Section 727.3,
36 shall occur within 30 days of the date of the hearing at which the
37 decision is made not to offer services.

38 (c) The status of every minor declared a ward and ordered to be
39 placed in foster care shall be reviewed by the court no less
40 frequently than once every six months. The six-month time

1 periods shall be calculated from the date the minor entered foster
2 care, as defined in paragraph (4) of subdivision (d) of Section
3 727.4. If the court so elects, the court may declare the hearing at
4 which the court orders the care, custody, and control of the minor
5 to be under the supervision of the probation officer for foster care
6 placement pursuant to subdivision (a) of Section 727 at the first
7 status review hearing. It shall be the duty of the probation officer
8 to prepare a written social study report including an updated case
9 plan, pursuant to subdivision (b) of Section 706.5, and submit the
10 report to the court prior to each status review hearing, pursuant to
11 subdivision (b) of Section 727.4. The social study report shall
12 include all reports the probation officer relied upon in making his
13 or her recommendations.

14 (d) Prior to any status review hearing involving a minor in the
15 physical custody of a community care facility or foster family
16 agency, the facility or agency may provide the probation officer
17 with a report containing its recommendations. Prior to any status
18 review hearing involving the physical custody of a foster parent,
19 relative caregiver, preadoptive parent, or legal guardian, that
20 person may present to the court a report containing his or her
21 recommendations. The court shall consider all reports and
22 recommendations filed pursuant to subdivision (c) and pursuant to
23 this subdivision.

24 (e) At any status review hearing prior to the first permanency
25 planning hearing, the court shall consider the safety of the minor
26 and make findings and orders which determine the following:

27 (1) The continuing necessity for and appropriateness of the
28 placement.

29 (2) The extent of the probation department's compliance with
30 the case plan in making reasonable efforts to safely return the
31 minor to the minor's home or to complete whatever steps are
32 necessary to finalize the permanent placement of the minor.

33 (3) Whether there should be any limitation on the right of the
34 parent or guardian to make educational decisions for the minor.
35 That limitation shall be specifically addressed in the court order
36 and may not exceed what is necessary to protect the minor. If the
37 court specifically limits the right of the parent or guardian to make
38 educational decisions for the minor, the court shall at the same time
39 appoint a responsible adult to make educational decisions for the
40 minor pursuant to Section 726.



1 (4) The extent of progress that has been made by the minor and
2 parent or guardian toward alleviating or mitigating the causes
3 necessitating placement in foster care.

4 (5) The likely date by which the minor may be returned to and
5 safely maintained in the home or placed for adoption, appointed
6 a legal guardian, permanently placed with a fit and willing relative
7 or referred to another planned permanent living arrangement.

8 (6) In the case of a minor who has reached 16 years of age, the
9 court shall, in addition, determine the services needed to assist the
10 minor to make the transition from foster care to independent
11 living.

12 The court shall make these determinations on a case-by-case
13 basis and reference in its written findings the probation officer's
14 report and any other evidence relied upon in reaching its decision.

15 (f) At any status review hearing prior to the first permanency
16 hearing, the court shall order return of the minor to the physical
17 custody of his or her parent or legal guardian unless the court finds,
18 by a preponderance of evidence, that the return of the minor to his
19 or her parent or legal guardian would create a substantial risk of
20 detriment to the safety, protection, or physical or emotional
21 well-being of the minor. The probation department shall have the
22 burden of establishing that detriment. In making its determination,
23 the court shall review and consider the social study report,
24 recommendations, and the case plan pursuant to subdivision (b) of
25 Section 706.5, the report and recommendations of any child
26 advocate appointed for the minor in the case, and any other reports
27 submitted to the court pursuant to subdivision (d), and shall
28 consider the efforts or progress, or both, demonstrated by the
29 minor and family and the extent to which the minor availed himself
30 or herself of the services provided.

31 (g) At all status review hearings subsequent to the first
32 permanency planning hearing, the court shall consider the safety
33 of the minor and make the findings and orders as described in
34 paragraphs (1), ~~(2)~~, ~~(4)~~ to (4), *inclusive*, and (6) of subdivision (e).
35 The court shall either make a finding that the previously ordered
36 permanent plan continues to be appropriate or shall order that a
37 new permanent plan be adopted pursuant to subdivision (b) of
38 Section 727.3. However, the court shall not order a permanent plan
39 of "return to the physical custody of the parent or legal guardian

1 after further reunification services are offered,” as described in
2 paragraph (2) of subdivision (b) of Section 727.3.

3 (h) The status review hearings required by subdivision (c) may
4 be heard by an administrative review panel, provided that the
5 administrative panel meets all of the requirements listed in
6 subparagraph (B) of paragraph (7) of subdivision (d) of Section
7 727.4.

8 ~~SEC. 15.~~

9 *SEC. 14.* Section 4570 of the Welfare and Institutions Code is
10 amended to read:

11 4570. (a) In order to remain informed regarding the quality
12 of services in the area and to protect the legal, civil, and service
13 rights of persons with developmental disabilities, the Legislature
14 finds that it is necessary to conduct life quality assessments with
15 consumers served by the regional centers.

16 (b) The department shall enter into an interagency agreement
17 with the state council, on behalf of the area boards, to conduct the
18 life quality assessments described in this section. This interagency
19 agreement shall include assurances that the state council shall not
20 direct the area boards in their conduct of these assessments or in
21 the content or format of the annual reports submitted to the council
22 by the area boards.

23 (c) Consistent with the responsibilities described in this
24 chapter, the area board, with the consent of the consumer and,
25 when appropriate, a family member, shall conduct life quality
26 assessments with consumers living in out-of-home placements,
27 supported living arrangements, or independent living
28 arrangements no less than once every three years or more
29 frequently upon the request of a consumer, or, when appropriate,
30 a family member. If a consumer who is eligible to receive a life
31 quality assessment is a dependent of a juvenile court pursuant to
32 Section 300, 601, or 602, the assessment may be conducted with
33 the consent of the court or social services agency. A regional center
34 or the department shall annually provide the local area board with
35 a list, including, but not limited to, the name, address, and
36 telephone number of each consumer, and, when appropriate, a
37 family member, the consumer’s date of birth, and the consumer’s
38 case manager, for all consumers living in out-of-home placements,
39 supported living arrangements, or independent living
40 arrangements, in order to facilitate area board contact with



1 consumers and, when appropriate, family members, for the
2 purpose of conducting life quality assessments.

3 (d) The life quality assessments shall be conducted by utilizing
4 the “Looking at Life Quality Handbook” or subsequent revisions
5 developed by the department.

6 (e) The assessments shall be conducted by consumers, families,
7 providers, and others, including volunteer surveyors. Each area
8 board shall recruit, train, supervise, and coordinate surveyors.
9 Upon request, and if feasible, the area board shall respect the
10 request of a consumer and, when appropriate, family member, for
11 a specific surveyor to conduct the life quality assessment. An area
12 board may provide stipends to surveyors.

13 (f) A life quality assessment shall be conducted within 90 days
14 prior to a consumer’s triennial individual program plan meeting,
15 so that the consumer and regional center may use this information
16 as part of the planning process.

17 (g) Prior to conducting a life quality assessment, the area board
18 shall meet with the regional center to coordinate the exchange of
19 appropriate information necessary to conduct the assessment and
20 ensure timely followup to identified violations of any legal, civil,
21 or service rights.

22 (h) Following the completion of each life quality assessment,
23 the area board shall develop a report of its findings and provide a
24 copy of the report to the consumer, when appropriate, family
25 members, and the regional center providing case management
26 services to the consumer. A copy of the life quality assessment of
27 a consumer who is a dependent of a juvenile court pursuant to
28 Section 300, 601, or 602 shall be provided, upon request, to the
29 court or social services agency. In the event that a report identifies
30 alleged violations of any legal, civil, or service right, the area
31 board shall notify the regional center and the department of the
32 alleged violation. The department shall monitor the regional
33 center to ensure that violations are addressed and resolved in a
34 timely manner.

35 (i) Regional centers shall review information from the life
36 quality assessments on a systemic basis in order to identify training
37 and resource development needs.

38 (j) (1) On an annual basis, each area board shall prepare and
39 submit a report to the state council describing its activities and
40 accomplishments related to the implementation of this section.

1 The report shall include, but not be limited to, the number of life
2 quality assessments conducted, the number of surveyors,
3 including those provided stipends, a description of the surveyor
4 recruitment process and training program, including any barriers
5 to recruitment, the number, nature, and outcome of any identified
6 violations of legal, civil, or service rights reported to regional
7 centers, and recommendations for improvement in the life quality
8 assessment process.

9 (2) By September 15 of each year, the state council shall
10 compile these reports and forward to the Governor, the
11 Legislature, and the department.

12 (k) Implementation of this section shall be subject to an annual
13 appropriation of funds in the Budget Act for this purpose.

14 ~~SEC. 16.~~

15 *SEC. 15.* Section 16000 of the Welfare and Institutions Code
16 is amended to read:

17 16000. (a) It is the intent of the Legislature to preserve and
18 strengthen a child's family ties whenever possible, removing the
19 child from the custody of his or her parents only when necessary
20 for his or her welfare or for the safety and protection of the public.
21 If a child is removed from the physical custody of his or her
22 parents, preferential consideration shall be given whenever
23 possible to the placement of the child with the relative as required
24 by Section 7950 of the Family Code. If the child is removed from
25 his or her own family, it is the purpose of this chapter to secure as
26 nearly as possible for the child the custody, care, and discipline
27 equivalent to that which should have been given to the child by his
28 or her parents. It is further the intent of the Legislature to reaffirm
29 its commitment to children who are in out-of-home placement to
30 live in the least restrictive, most familylike setting and to live as
31 close to the child's family as possible pursuant to subdivision (c)
32 of Section 16501.1. Family reunification services shall be
33 provided for expeditious reunification of the child with his or her
34 family, as required by law. If reunification is not possible or likely,
35 a permanent alternative shall be developed.

36 (b) It is further the intent of the Legislature to ensure that all
37 pupils in foster care and those who are homeless as defined by the
38 federal McKinney-Vento Homeless Assistance Act (42 U.S.C.
39 Sec. 11301 et seq.) have the opportunity to meet the challenging
40 state pupil academic achievement standards to which all pupils are



held. In fulfilling their responsibilities to pupils in foster care, educators, county placing agencies, care providers, advocates, and the juvenile courts shall work together to maintain stable school placements and to ensure that each pupil is placed in the least restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils. In all instances, educational and school placement decisions must be based on the best interests of the child.

~~SEC. 17. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.~~

SEC. 16. Section 16501.1 of the Welfare and Institutions Code is amended to read:

16501.1. (a) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

(b) The Legislature further finds and declares that a case plan ensures that the child receives protection and safe and proper care and case management, and that services are provided to the child and parents or other caretakers as appropriate in order to improve conditions in the parent's home, to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care. A case plan shall be based upon the principles of this section and shall document that a preplacement assessment of the service needs of the child and family, and preplacement preventive services, have been provided, and that reasonable efforts to prevent out-of-home placement have been made. In determining the reasonable services to be offered or provided, the child's health and safety shall be the paramount concerns. Reasonable services shall be offered or provided to make it possible for a child to return to a safe home environment, unless, pursuant to subdivisions (b) and (e) of Section 361.5, the court determines that reunification services

1 shall not be provided. If reasonable services are not ordered, or are
2 terminated, reasonable efforts shall be made to place the child in
3 a timely manner in accordance with the permanent plan and to
4 complete all steps necessary to finalize the permanent placement
5 of the child.

6 (c) ~~When~~ If out-of-home placement is used to attain case plan
7 goals, the decision regarding choice of placement shall be based
8 upon selection of a safe setting that is the least restrictive or most
9 familylike and the most appropriate setting that is available and in
10 close proximity to the parent's home, *proximity to the child's*
11 *school*, consistent with the selection of the environment best suited
12 to meet the child's special needs and best interest, or both. The
13 selection shall consider, in order of priority, placement with
14 relatives, tribal members, and foster family, group care, and
15 residential treatment pursuant to Section 7950 of the Family Code.

16 (d) A written case plan shall be completed within 30 days of the
17 initial removal of the child or of the in-person response required
18 under subdivision (f) of Section 16501 if the child has not been
19 removed from his or her home, or by the date of the dispositional
20 hearing pursuant to Section 358, whichever occurs first. The case
21 plan shall be updated, as the service needs of the child and family
22 dictate. At a minimum, the case plan shall be updated in
23 conjunction with each status review hearing conducted pursuant
24 to Section 366.21, and the hearing conducted pursuant to Section
25 366.26, but no less frequently than once every six months. Each
26 updated case plan shall include a description of the services that
27 have been provided to the child under the plan and an evaluation
28 of the appropriateness and effectiveness of those services.

29 (e) The child welfare services case plan shall be comprehensive
30 enough to meet the juvenile court dependency proceedings
31 requirements pursuant to Article 6 (commencing with Section
32 300) of Chapter 2 of Part 1 of Division 2.

33 (f) The case plan shall be developed as follows:

34 (1) The case plan shall be based upon an assessment of the
35 circumstances that required child welfare services intervention.

36 (2) The case plan shall identify specific goals and the
37 appropriateness of the planned services in meeting those goals.

38 (3) The case plan shall identify the original allegations of abuse
39 or neglect, as defined in Article 2.5 (commencing with Section
40 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the

1 conditions cited as the basis for declaring the child a dependent of
2 the court pursuant to Section 300, or all of these, and the other
3 precipitating incidents that led to child welfare services
4 intervention.

5 (4) The case plan shall include a description of the schedule of
6 the social worker contacts with the child and the family or other
7 caretakers. The frequency of these contacts shall be in accordance
8 with regulations adopted by the State Department of Social
9 Services. If the child has been placed in foster care out of state, the
10 county social worker or a social worker on the staff of the social
11 service agency in the state in which the child has been placed shall
12 visit the child in a foster family home or the home of a relative at
13 least every 12 months and submit a report to the court on each visit.
14 For children in out-of-state group home facilities, visits shall be
15 conducted at least monthly, pursuant to Section 16516.5. At least
16 once every six months, at the time of a regularly scheduled social
17 worker contact with the foster child, the child's social worker shall
18 inform the child of his or her rights as a foster child, as specified
19 in Section 16001.9. The social worker shall provide the
20 information to the child in a manner appropriate to the age or
21 developmental level of the child.

22 (5) When out-of-home services are used, the frequency of
23 contact between the natural parents or legal guardians and the child
24 shall be specified in the case plan. The frequency of those contacts
25 shall reflect overall case goals, and consider other principles
26 outlined in this section.

27 (6) When out-of-home placement is made, the case plan shall
28 include provisions for the development and maintenance of sibling
29 relationships as specified in subdivisions (b), (c), and (d) of
30 Section 16002. If appropriate, when siblings who are dependents
31 of the juvenile court are not placed together, the social worker for
32 each child, if different, shall communicate with each of the other
33 social workers and ensure that the child's siblings are informed of
34 significant life events that occur within their extended family.
35 Unless it has been determined that it is inappropriate in a particular
36 case to keep siblings informed of significant life events that occur
37 within the extended family, the social worker shall determine the
38 appropriate means and setting for disclosure of this information to
39 the child commensurate with the child's age and emotional

1 well-being. These significant life events shall include, but shall not
2 be limited to, the following:

3 (A) The death of an immediate relative.

4 (B) The birth of a sibling.

5 (C) Significant changes regarding a dependent child, unless the
6 child objects to the sharing of the information with his or her
7 siblings, including changes in placement, major medical or mental
8 health diagnoses, treatments, or hospitalizations, arrests, and
9 changes in the permanent plan.

10 (7) ~~When~~ *If* out-of-home placement is made in a foster family
11 home, group home or other child care institution that is either a
12 substantial distance from the home of the child's parent or out of
13 state, the case plan shall specify the reasons why that placement is
14 in the best interest of the child. When an out-of-state group home
15 placement is recommended or made, the case plan shall, in
16 addition, specify compliance with Section 7911.1 of the Family
17 Code.

18 (8) ~~When~~ *If* out-of-home services are used, or ~~when~~ *if* parental
19 rights have been terminated and the case plan is placement for
20 adoption, the case plan shall include a recommendation regarding
21 the appropriateness of unsupervised visitation between the child
22 and any of the child's siblings. This recommendation shall include
23 a statement regarding the child's and the siblings' willingness to
24 participate in unsupervised visitation. If the case plan includes a
25 recommendation for unsupervised sibling visitation, the plan shall
26 also note that information necessary to accomplish this visitation
27 has been provided to the child or to the child's siblings.

28 (9) ~~When~~ *If* out-of-home services are used and the goal is
29 reunification, the case plan shall describe the services to be
30 provided to assist in reunification and the services to be provided
31 concurrently to achieve legal permanency if efforts to reunify fail.
32 The plan shall also consider the importance of developing and
33 maintaining sibling relationships pursuant to Section 16002.

34 (10) ~~When~~ *If* out-of-home services are used, the child has been
35 in care for at least 12 months, and the goal is not adoptive
36 placement, the case plan shall include documentation of the
37 compelling reason or reasons why termination of parental rights
38 is not in the child's best interest. A determination completed or
39 updated within the past 12 months by the department when it is
40 acting as an adoption agency or by a licensed adoption agency that

1 it is unlikely that the child will be adopted, or that one of the
2 conditions described in paragraph (1) of subdivision (c) of Section
3 366.26 applies, shall be deemed a compelling reason.

4 (11) (A) Parents and legal guardians shall have an opportunity
5 to review the case plan, sign it whenever possible, and then shall
6 receive a copy of the plan. In any voluntary service or placement
7 agreement, the parents or legal guardians shall be required to
8 review and sign the case plan. Whenever possible, parents and
9 legal guardians shall participate in the development of the case
10 plan.

11 (B) Parents and legal guardians shall be advised that, pursuant
12 to Section 1228.1 of the Evidence Code, neither their signature on
13 the child welfare services case plan nor their acceptance of any
14 services prescribed in the child welfare services case plan shall
15 constitute an admission of guilt or be used as evidence against the
16 parent or legal guardian in a court of law. However, they shall also
17 be advised that the parent's or guardian's failure to cooperate,
18 except for good cause, in the provision of services specified in the
19 child welfare services case plan may be used in any hearing held
20 pursuant to Section 366.21 or 366.22 as evidence.

21 (12) The case plan shall be included in the court report and shall
22 be considered by the court at the initial hearing and each review
23 hearing. Modifications to the case plan made during the period
24 between review hearings need not be approved by the court if the
25 casework supervisor for that case determines that the
26 modifications further the goals of the plan. ~~When~~ *If* out-of-home
27 services are used with the goal of family reunification, the case
28 plan shall consider and describe the application of subdivision (b)
29 of Section 11203.

30 (13) ~~When~~ *If* the case plan has as its goal for the child a
31 permanent plan of adoption or placement in another permanent
32 home, it shall include documentation of the steps the agency is
33 taking to find an adoptive family or other permanent living
34 arrangements for the child; to place the child with an adoptive
35 family, an appropriate and willing relative, a legal guardian, or in
36 another planned permanent living arrangement; and to finalize the
37 adoption or legal guardianship. At a minimum, the documentation
38 shall include child specific recruitment efforts, such as the use of
39 state, regional, and national adoption exchanges, including



1 electronic exchange systems, when the child has been freed for
2 adoption.

3 (g) If the court finds, after considering the case plan, that
4 unsupervised sibling visitation is appropriate and has been
5 consented to, the court shall order that the child or the child's
6 siblings, and the child's prospective adoptive parents, if
7 applicable, be provided with information necessary to accomplish
8 this visitation. ~~Nothing in this~~ This section shall be construed to
9 does not require or prohibit the social worker's facilitation,
10 transportation, or supervision of visits between the child and his
11 or her siblings.

12 (h) The case plan documentation on sibling placements
13 required under this section shall not require modification of
14 existing case plan forms until the Child Welfare Services Case
15 Management System is implemented on a statewide basis.

16 (i) The department, in consultation with the County Welfare
17 Directors Association and other advocates, shall develop
18 standards and guidelines for a model relative placement search and
19 assessment process based on the criteria established in Section
20 361.3. These guidelines shall be incorporated in the training
21 described in Section 16206. These model standards and guidelines
22 shall be developed by March 1, 1999.

23 *SEC. 17. No reimbursement is required by this act pursuant*
24 *to Section 6 of Article XIII B of the California Constitution*
25 *because this act implements a federal law or regulation and results*
26 *only in costs mandated by the federal government, within the*
27 *meaning of Section 17556 of the Government Code.*

